

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VALUE DRUG COMPANY	:	CIVIL ACTION
	:	
v.	:	NO. 21-3500
	:	
TAKEDA PHARMACEUTICALS,	:	
U.S.A., INC., <i>et al.</i>	:	

ORDER

AND NOW, this 16th day of November 2021, upon considering the attached Stipulation to dismiss Endo Pharmaceuticals Inc. and representing certain private agreements among the parties including a tolling agreement, it is **ORDERED**:

1. We **APPROVE** the Stipulation as to dismissal and without findings on the merits of the parties' agreements;
2. Plaintiff's claims against Endo Pharmaceuticals Inc. are **DISMISSED without prejudice**; and,
3. Endo Pharmaceuticals Inc.'s Motion to dismiss (ECF Doc. No. 105) is **DENIED as moot**.



KEARNEY, J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VALUE DRUG COMPANY

v.

TAKEDA PHARMACEUTICALS U.S.A., INC.,
et al.

Hon. Mark A. Kearney

Civil Action No. 2:21-cv-03500-MAK

[PROPOSED] ORDER

AND NOW, this ____ day of November 2021, upon consideration of the attached Joint Stipulation, it is hereby **ORDERED** that the Stipulation is **APPROVED**. Pursuant to the terms of the Stipulation, all claims against Endo Pharmaceuticals Inc. are hereby **DISMISSED without prejudice**, with each party to bear its own costs and attorneys' fees.

It is so **ORDERED**.

BY THE COURT:

MARK A. KEARNEY, J

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VALUE DRUG COMPANY

v.

TAKEDA PHARMACEUTICALS U.S.A., INC.,
et al.

Hon. Mark A. Kearney

Civil Action No. 2:21-cv-03500-MAK

JOINT STIPULATION

WHEREAS, Plaintiff Value Drug Company (“Plaintiff”) filed its Complaint against various Defendants including Par Pharmaceutical, Inc. and Endo Pharmaceuticals Inc. (the “Par/Endo Defendants”);

WHEREAS, the Par/Endo Defendants deny Plaintiff’s allegations;

WHEREAS, Plaintiff continues to investigate potential collusive conduct as alleged in the Complaint, including whether, and/or the extent to which, Endo Pharmaceuticals Inc. participated in or is responsible for any collusive conduct alleged in the Complaint, but Plaintiff is willing to take additional time to determine whether such claims should be asserted against Endo Pharmaceuticals, Inc.;

WHEREAS, counsel for the Par/Endo Defendants has represented that Endo Pharmaceuticals Inc. is not a proper entity to be named in this case;

WHEREAS, the Parties have agreed to suspend and toll as of the date of the filing of the Complaint (August 5, 2021) any and all applicable limitations, laches, or repose periods that may apply to Endo Pharmaceuticals Inc. (the “Limitations Period”);

WHEREAS, with such protection against the statute of limitations and related principles, Plaintiff shall move forward at this time only with respect to its claims against Par Pharmaceutical, Inc. and it will dismiss without prejudice its claims against Endo Pharmaceuticals Inc.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the undersigned counsel, on behalf of their respective clients, as follows:

1. All Limitations Periods, including statutes of limitations, statutes of repose and laches that had not expired as of August 5, 2021 are hereby suspended, stayed, or tolled, with respect to Endo Pharmaceuticals Inc.

2. All claims against Endo Pharmaceuticals Inc. are hereby dismissed without prejudice, with each Party to bear its own costs and attorneys' fees.

3. For purposes of this litigation, Par Pharmaceutical, Inc. represents that it has possession, custody, or control of all existing documents and information related to the sale or marketing of generic colchicine medications in the United States by any of the Par/Endo Defendants.

4. Endo Pharmaceuticals Inc. agrees to accept service of a subpoena(s) and not to object to such subpoena(s) on the ground that it has been dismissed from the case, reserving all other applicable objections.

5. This Stipulation shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania without reference to its choice of law rules.

6. Each of the undersigned represents and warrants he or she is duly authorized to enter into this Stipulation and that each intends the Stipulation to be a valid and binding obligation, enforceable in accordance with its terms.

IT IS SO STIPULATED.

Dated: October 12, 2021

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*Attorneys for Plaintiffs Value Drug Company,
individually, on behalf of itself and all others
similarly situated*